

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE ESTATE OF KATHERINE J.
GONZALES, SCOTT BOX, individually and
as Personal Representative, and RUSSELL
BOX, children of Katherine J. Gonzales,

Plaintiffs,

vs.

Civ. No. 11-486 KG/GBW

GENERAL ELECTRIC COMPANY,
GENERAL ELECTRIC PENSION TRUST,
GE SAVINGS & SECURITY PROGRAM,
METROPOLITAN LIFE INSURANCE,
NEW MEXICO DEPARTMENT OF HEALTH,
UNIVERSITY OF NEW MEXICO, and
OFFICE OF MEDICAL INVESTIGATOR,

Defendants.


ORDER QUASHING ORDER TO SHOW CAUSE
AND PARTIAL ORDER OF DISMISSAL

This matter comes before the Court upon the Court's Order to Show Cause, entered on April 10, 2015. (Doc. 226). In the Order to Show Cause, the Court directed Plaintiffs to show cause, if any, why (1) the current state claims against Defendants General Electric Company, General Electric Pension Trust, GE Savings & Security Program, and Metropolitan Life Insurance should not be dismissed with prejudice on the basis of Employment Retirement Income Security Act (ERISA) preemption; and (2) the current claims against Defendants New Mexico Department of Health, University of New Mexico, and Office of Medical Investigator should not be dismissed with prejudice based on a previous dismissal of claims. Plaintiffs timely responded to the Order to Show Cause by stating that the above claims should be dismissed with prejudice. (Doc. 228). Plaintiffs also attached to their response a proposed second amended

complaint which excludes those claims. Rather than file a second amended complaint, the better procedure is to simply dismiss those claims with prejudice.

IT IS, THEREFORE, ORDERED that

1. the Order to Show Cause (Doc. 226) is quashed;
2. the state claims against Defendants General Electric Company, General Electric Pension Trust, GE Savings & Security Program, and Metropolitan Life Insurance raised in the Amended Complaint for Negligence, Gross Negligence, Breach of Contract, Bad Faith Insurance Practice, Mandamus, and Punitive Damages (Amended Complaint) (Doc. 212) are dismissed with prejudice; and
3. the claims against Defendants New Mexico Department of Health, University of New Mexico, and Office of Medical Investigator raised in the Amended Complaint are dismissed with prejudice, thereby terminating those Defendants from this case.



UNITED STATES DISTRICT JUDGE